IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 795 of 2005

Between:

Appakonda Pulla Reddy, S/o. Venkatappa,
R/o. Thopudurthi Village, Atmakur Mandal, Anantapur District.

..... PETITIONER

AND

1 The District Collector, Ananthapur District.
2 The Mandal Revenue Officer, Ananthapur Mandal, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, preferably to the nature of Writ of mandamus declaring the action of the 2nd respondent MRO in orally ordering to stop the running of the petitioner's groundnut decorticator on 2-1-2005 and further action of taking away the belts used for running the Electrical Motor and machine, without jurisdiction and authority of law, without even issuing a notice or opportunity to the petitioner, as illegal, in gross violation of principles of natural justice and violative of article 14, 19, 21 and 300 A of Constitution of India and consequently direct the respondents to allow the petitioner to run the decorticator forthwith by returning the above stated belts.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is running a groundnut decorticating unit under name and style of M/s.

Krishna Groundnut Decorticator at Thopudurthi Village, Atmakur Mandal, Anantapur District. The Mandal Revenue Officer, Atmakur, 2nd respondent, is said to have initiated steps to seek closure of the unit. Thereupon, the petitioner approached the General Manager, District Industries Centre, Ananthapur (for short 'the General Manager') with a request to inform the 2nd respondent as to the existence of valid permits for running the same. The General Manager addressed a letter, dated 20.01.2005 to the 2nd respondent intimating that the petitioner holds necessary permits to run the unit. The petitioner complains that despite such a clarification, the 2nd respondent is insisting him to close the unit, that too without issuing any written orders.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Basically, it is not at all the function of the 2nd respondent to regulate the establishment or running of decorticating industries. If the petitioner is running the unit contrary to any provisions, it is for the authority concerned to take necessary steps. A perusal of the letter, dated 20.01.2005, addressed by the General Manager, discloses that the petitioner holds the requisite permits.

At any rate, if the 2nd respondent is of the view that the petitioner had contravened any provisions, he can proceed against the petitioner only after issuing a notice, calling upon him to explain or by indicating the nature of violation. There does not exist any justification or basis in requiring the petitioner to stop the unit through oral order.

Hence, the writ petition is disposed of, directing that the 2nd respondent shall not interfere with the functioning of the decorticating unit established by the petitioner, without issuing specific written orders. There shall be no order as to costs.

07.02.2005

Jsu

To

1 The District Collector, Ananthapur District.
2 The Mandal Revenue Officer, Ananthapur Mandal, Ananthapur District.

3 Two C.Cs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

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